

# **SERVICE LEVEL AGREEMENT BETWEEN THE NATIONAL TAXPAYER ADVOCATE AND THE COMMISSIONER, SMALL BUSINESS/SELF-EMPLOYED DIVISION**

## **I. INTRODUCTION**

- A) This agreement outlines the procedures and responsibilities for the processing of Taxpayer Advocate Service (TAS) casework when the authority to complete case transactions rests outside of the TAS.
- B) The parties to this agreement are the Taxpayer Advocate Service represented by the National Taxpayer Advocate (NTA), and the Commissioner, Small Business/Self Employed Division.
- C) Any existing customer/service level agreements are rendered obsolete and are superceded by this agreement. This agreement shall take effect consistent with the timeline agreed to by the parties.
- D) This agreement is national in scope and will be the basis upon which determinations regarding the processing and procedures for TAS cases will be made by the parties. Items specific to the Small Business/Self-Employed Division are incorporated into the addendum to this agreement.
- E) Local disagreements over the implementation of these provisions will be elevated through the appropriate management channels within TAS and the Small Business/Self-Employed Division for resolution. If resolution cannot be reached, then the matter will be elevated to the National Taxpayer Advocate and/or the Commissioner, Small Business/Self-Employed Division who will negotiate with the appropriate party(ies).

## **II. PURPOSE**

The purpose for developing and implementing a National Service Level Agreement is to establish uniform standards for the processing of work when TAS does not have the statutory and/or delegated authority to affect complete resolution of the taxpayer's problem, to ensure that TAS employees are included in training and CPEs held by the Small Business/Self-Employed Division, and to maintain a working knowledge in TAS of operational policies and procedures.

## **III. STATEMENT OF COMMITMENT**

- A) The signatures of the National Taxpayer Advocate (NTA) and the Commissioner, Small Business/Self-Employed Division reflect

concurrence that TAS casework requiring priority consideration will receive that consideration within the Small Business/Self-Employed Division.

- B) The Commissioner, Small Business/Self-Employed Division will issue a memorandum consistent with the timeline agreed to by all parties, through his management chain, to all employees within his jurisdiction, that emphasizes the priority nature of a Taxpayer Advocate case, as defined in Section Six, Items E and F of this agreement, and encourages his employees and managers to work cooperatively with TAS to effect timely resolution of taxpayer problems. This memorandum will also include his endorsement of this agreement and the provisions contained therein.
- C) The National Service Level Agreement will be reviewed annually or earlier with concurrence of the parties. Modifications will be made in writing only and will be signed by the National Taxpayer Advocate and the Commissioner, Small Business/Self-Employed Division.
- D) All basic IRMs for the Small Business/Self-Employed Division, upon updating, will include the National Service Level Agreement, and the Addendum. In other IRMs in electronic format, where the Service Level Agreement is not included, a hotlink will be made available to the Service Level Agreement.
- E) Training opportunities in the Small Business/Self-Employed Division will be communicated to TAS to ensure attendance of TAS personnel. TAS will work with the Small Business/Self-Employed Division to identify the number of slots available for the training. TAS will identify the appropriate TAS personnel who would serve as train-the trainers to attend this training. If travel is involved for TAS employees to attend training/CPEs, TAS will be responsible for funding its employees

#### **IV. OPERATIONS ASSISTANCE REQUEST PROCESS**

The Taxpayer Advocate Service uses the Operation Assistance Request (OAR) process to refer a case to the Small Business/Self-Employed Division when TAS lacks either the statutory or delegated authority to effect the resolution of the taxpayer's problem. This authority can be found in IRM 13. The Taxpayer Advocate Service utilizes Form 12412, Taxpayer Advocate Service Assistance Request, to initiate the OAR process.

#### **V. TAXPAYER ADVOCATE SERVICE RESPONSIBILITIES**

- A) TAS will identify those cases requiring an OAR to the Small Business/Self-Employed Division. Generally, OARs will be worked locally, however, there may be occasions, due to centralization of IRS programs, or when it is in the best interest of the taxpayer and/or the IRS, that may require OARs to be worked in an office other than the office where the case originated.
- B) TAS will provide training to its employees describing the roles and responsibilities of TAS personnel in the OAR process.
- C) TAS will ensure that cases meet appropriate TAS criteria prior to submitting an OAR to the Small Business/Self-Employed Division. TAS is responsible for building the case prior to its delivery to the Small Business/Self-Employed Division. That is, TAS will conduct all appropriate IDRS research, identify the issue(s) based on case analysis, request all pertinent internal documents, e.g., copy of returns, audit reports, adjustment documents, etc., request documentation from the taxpayer relevant to the issue, and make a recommendation, where appropriate, based upon the technical knowledge of the Advocate to the Small Business/Self-Employed Division as to appropriate course of action. TAS will also outline the account adjustments that need to be effected to implement TAS' recommended actions.
- D) Each TAS office will appoint a liaison who will be responsible for forwarding the OARs from his/her respective office to the appropriate Small Business/Self-Employed Division Liaison. See the addendum for the appropriate liaisons. The TAS Liaison will also be the contact point for the appropriate Small Business/Self-Employed Division Liaison on matters outside the scope of the TAS case should discussion be necessary on administrative/and or procedural matters.
- E) TAS will complete Form 12412, Taxpayer Advocate Service Assistance Request, to initiate the OAR process, supplying both the TAS Associate's name and the TAS Liaison's name and contact information, including telephone number, address, and fax number. TAS will forward the case, along with the necessary supporting documentation via Form 3210, Document Transmittal, to the appropriate Small Business/Self-Employed Division Liaison as defined at paragraph VI.A.
- F) In accordance with IRM 13, the assigned TAS Associate will be responsible for keeping the taxpayer/practitioner apprised of the progress of his/her case and will follow-up with the Small Business/Self-Employed Division employee assigned the case for a status report. This will not prohibit the Small Business/Self-Employed Division employee assigned the case from making necessary contacts with the taxpayer/practitioner.

The TAS Associate will also be responsible for communicating the final decision on the case to the taxpayer/practitioner after any necessary discussions are held with the appropriate Small Business/Self-Employed Division personnel.

- G) Should there be problems with the timeliness of the completion of the OAR, the TAS Associate will elevate this problem to his or her immediate manager. The TAS manager will contact the appropriate Small Business/Self-Employed Division Liaison.
- H) The Area Director(s) or their designees, and the appropriate Small Business/Self-Employed Division Liaison(s) will meet at least quarterly, or more often if either party determines a need, to discuss issues of import that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of case development, and the OAR process. The Area Directors will provide the National Taxpayer Advocate and the Deputy National Taxpayer Advocate with regular reports on the results of these discussions.
- I) For cases involving economic hardship, TAS Criteria Codes 1 through 4 as defined in IRM 13, the TAS Associate will submit Form 12412, if required, to the appropriate Small Business/Self-Employed Division Liaison within one (1) workday of TAS's determination of the taxpayer's significant hardship and eligibility for relief.
- J) For cases involving systemic hardship (delay or systemic/procedural failure), TAS Criteria Codes 5 through 7 as defined in IRM 13, the TAS Associate will submit Form 12412, if required, to the appropriate Small Business/Self-Employed Division Liaison at the earliest possible date. Upon return of the Form 3210 from the Small Business/Self-Employed Division Liaison, the TAS Associate will contact the appropriate Small Business/Self-Employed Division employee to negotiate or renegotiate a reasonable timeframe for case resolution.
- K) The TAS Associate and the Small Business/Self-Employed Division employee assigned the case will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- L) While the case is being worked in the Small Business/Self-Employed Division, the TAS Associate will follow up with the Small Business/Self-Employed Division employee assigned the case to determine the status of the case.
- M) If the TAS Associate and the Small Business/Self-Employed Division employee assigned the case cannot agree upon the appropriate resolution of the taxpayer's problem, the TAS employee will elevate this

disagreement to his or her manager who will discuss it with the appropriate Small Business/Self-Employed Division manager. The Small Business/Self-Employed Division employee assigned the case will also elevate any disagreement to his or her manager.

- N) If resolution of the taxpayer's case cannot be completed by the negotiated date, or by any negotiated extension date, the TAS manager, or designee, working with the TAS liaison in the initiating office, will contact the Small Business/Self-Employed Division Liaison to discuss the reasons for the delay.
- O) If a decision cannot be reached by the negotiated completion date of the Case, the LTA will elevate the matter to the TAS Area Director, prior to issuing a Taxpayer Assistance Order, as provided in IRM 13.
- P) TAS will provide the appropriate Small Business/Self-Employed Division Liaison(s) with appropriate TAMIS reports that will identify OARs in each respective office that will assist the Small Business/Self-Employed Division Liaison(s) in monitoring their OAR inventory.
- Q) TAS will work with the Small Business/Self-Employed Division Liaisons to identify those Small Business/Self-Employed Division employees who require awareness training on working OARs in accordance with TAS case processing requirements that include timeliness, accuracy, and communication.

## **VI. SMALL BUSINESS/SELF-EMPLOYED DIVISION RESPONSIBILITIES**

- A) The Small Business/Self-Employed Division will assign a liaison in each local Office/Campus where a Local Taxpayer Advocate is located. The location and numbers of these liaisons may vary depending upon the business unit, the centralization of certain IRS work, and other factors. It is recommended that the Small Business/Self-Employed Division Liaison(s) be a manager or other Non-Bargaining Unit employee who has the delegated authority to assign cases and to follow-up on the work. Further, this individual should have the authority to elevate problems he/she identifies with timeliness of the casework through the appropriate management chain, campus or field. In Campuses, where a Non-Bargaining Unit employee may not be available for this assignment, the Small Business/Self-Employed Division may select a Bargaining Unit Lead employee to perform these duties under the guidance of his/her manager.
- B) The Small Business/Self-Employed Division Liaison(s) will be responsible for accepting the OARs from TAS, acknowledging receipt of the case, reviewing the case for appropriate assignment, assigning the case to the

appropriate employee within the function, and monitoring the case through its conclusion.

- C) The Small Business/Self-Employed Division Liaison(s) will elevate any disagreements over the determination of relief requested, including any OAR not sufficiently developed, to the LTA in the originating office within one (1) workday of receipt of the Form 12412.
- D) If an OAR is misrouted by TAS to the incorrect Small Business/Self-Employed Division Liaison, that Liaison will make contact with the TAS Liaison in the initiating office within one (1) workday of receipt of the Form 12412 to discuss the disposition of the case.
- E) For cases involving economic hardship, TAS Criteria Codes 1 through 4, the Small Business/Self-Employed Division Liaison(s) will acknowledge receipt of the case to the designated TAS liaison via Form 3210, Document Transmittal, within one (1) workday of receipt of the case. The Small Business/Self-Employed Division Liaison will respond within three (3) workdays in writing, via facsimile, or hand delivery to the TAS Associate his or her relief/no relief decision.
- F) For cases involving systemic hardship (delay or procedural/systemic failure), TAS Criteria Codes 5 through 7, the Small Business/Self-Employed Division Liaison(s) will acknowledge receipt of the case to the designated TAS Liaison via Form 3210, Document Transmittal, within three (3) workdays of receipt of the case. The Small Business/Self-Employed employee assigned the case will negotiate or renegotiate with the TAS Associate a reasonable timeframe for case resolution.
- G) The Small Business/Self-Employed Division Liaison will provide TAS with the name and telephone number of the Small Business/Self-Employed Division employee assigned the case. This information will be provided on the Form 3210, Document Transmittal, returned to the designated TAS Liaison by the timeframe outlined in Paragraphs VI.E and VI.F herein.
- H) The Small Business/Self-Employed Division employee and the TAS Associate will agree upon the timeframes for follow-up based on the facts and circumstances of the particular case.
- I) The Small Business/Self-Employed Division employee assigned the case will discuss his or her findings and recommendations on the final disposition of the case with the appropriate TAS Associate. The TAS Associate is responsible for communicating the final decision on the case to the taxpayer.

- J) If the TAS Associate and the Small Business/Self-Employed Division employee assigned the case cannot agree upon the resolution to the taxpayer's problem, the TAS employee will elevate this disagreement to his or her manager who will discuss it with the appropriate Small Business/Self-Employed Division manager. The Small Business/Self-Employed Division employee assigned the case will also elevate any disagreement to his or her manager.
- K) If resolution of the taxpayer's case cannot be completed by the negotiated date, or by any negotiated extension date, the Small Business/Self-Employed Division employee will elevate the matter to the Small Business/Self-Employed Division Liaison.
- L) The Small Business/Self-Employed Division Liaison(s) will use the TAMIS reports provided by the TAS office to monitor the OAR inventory and to follow-up with the assigned Small Business/Self-Employed Division employee as needed.
- M) The Small Business/Self-Employed Division Liaison(s) will be responsible for effectively managing the OAR inventory and providing reports to his/her manager that identify cases not closed by the negotiated date.
- N) The Small Business/Self-Employed Division Liaison(s) will meet at least quarterly, or more often if either party determines a need, with the TAS Area Director(s), or their designees, to discuss issues of import that may include, but are not limited to, the appropriateness of TAS criteria classification, the quality/accuracy of case development, and the OAR process. The Small Business/Self-Employed Division Liaison(s) will provide his or her appropriate manager with regular reports on the results of these discussions.
- O) In accordance with the final report from TIGTA, entitled, *The National Taxpayer Advocate Needs to Ensure Operations' Employees Receive Training to Identify Cases*, the Small Business/Self-Employed Division will provide TAS the opportunity to provide TAS awareness case criteria training, at least annually, during CPE sessions, group meetings, or other appropriate venues.

## **VII. JOINT IMPROVEMENT EFFORTS**

- A) The Executive Director for Systemic Advocacy will provide information on trends, legislative recommendations, and systemic and procedural problems to the Small Business/Self-Employed Division. The Executive Director for Systemic Advocacy, working with the TAS Director of Program, Planning,

and Quality, will provide the designated Small Business/Self-Employed Division personnel with periodic reports and analysis of the TAS inventory Study.

- B) The Small Business/Self-Employed Division will seek and identify opportunities to work with the Executive Director for Systemic Advocacy who will advocate for taxpayers and ensure their interests and concerns are represented during the development of new IRS policies, systems, procedures, and programs.

## **VIII. IMPLEMENTATION AND COMMUNICATION**

TAS will convene a cross-functional team to monitor the implementation of all Service Level Agreements between TAS and the Operating/Functional Units. This team will review any proposed modifications to the Service Level Agreements and elevate any recommendation to the respective Division Commissioners and Functional Chiefs and the National Taxpayer Advocate.

TAS and the Small Business/Self-Employed Division will develop a communication strategy that will provide the terms of the National Service Level Agreement to all employees, consistent with the timeline agreed to by the parties.

This agreement and addendum are effective beginning 1 September 2002.

/s/ Dale F. Hart

6/4/02

for \_\_\_\_\_  
Joseph Kehoe  
Commissioner  
Small Business/Self-Employed Division

\_\_\_\_\_  
Date

/s/ Nina E. Olson

06/04/02

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Nina E. Olson  
National Taxpayer Advocate

\_\_\_\_\_  
Date